IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

P.I.L. NO.195 OF 2004

Shri Ajit Ramkrishna Mhatre Petitioner
vs.
1.Ambernath Municipal Council & ors. Respondents

Mr.Dnyaneshwar Deshmukh for the petitioner.

Mr.B.D.Joshi for the respondent no.1.

Mr.P.M.Patil, Assistant Government Pleader for the respondents 4 to 8.

Mr.A.A.Joshi i/b.Mr.Nivit Srivastava for the respondent no.9.

**CORAM : R.M. LODHA &**
**ANOOP V. MOHTA, JJ.**

**DATED : 1st February 2006**

**P.C.**

We heard the learned counsel for the parties and also perused the writ petition, documents annexed thereto, the affidavit in reply filed by the respondent nos.1, 2 and 9 .

2. The petitioner has prayed for the following reliefs:

> A) The Hon'ble Court may be pleased to issue writ of Mandus, or any other writ, order or direction in the nature of writ of Mandamus, thereby giving direction to the respondents to follow the due procedure of law within three months and submit action taken report, in each individual case to the Hon'ble Court immediately, u/s.10 of the Urban Land (Ceiling and Regulation) Act, 1976 as per the order dt. 19-04-1982 vide its outward no.ULC/ULN/6(1)

SR-2 Vadavali Turf Ambernath passed by the Deputy collector and Competent Authority, Ulhasnagar Urban Agglomeration, Thane u/s.8(4) of the UL (C & R) Act, 1976, for taking stern and immediate action in Public Interest.

B) The Hon'ble Court may be pleased to issue writ of Mandus, or any other writ, order or direction in the nature of writ of Mandamus, thereby giving direction to the respondents to follow the due procedure of law within three months and submit action taken report, in each individual case to the Hon'ble Court immediately for granting enhanced F S I to the similarly situaqted Gaothan and Pardi lands (congested areas) like Halyachapada within the jurisdiction Ambernath Municipal Council, Dist. Thane, for taking stern and immediate action in Public Interest.

C) The Hon'ble Court may be pleased to issue Writ of Mandamus or any other writ, order or direction in the nature of the WRit of Mandamus thereby giving direction to the "State of Maharashtra" i.e. the respondent no.8 to register Criminal Offences against the respondent no.10 for abusing powers as a Minister for Urban Development against the Public Interest.

D) The Hon'ble Court may be pleased to issue writ of mandamus or any other writ, order or direction in the nature of writ of mandamus thereby directing the respondent no.1 to demolish the illegal and unauthorized structures on CTS No.6900 (Pardi No.16) admeasuring 669.30 sq.meters and CTS No.4963 (Pardi No.18) admeasuring 1864.30 sq.meters situated at Kohoj Khuntavali (Halayacha pada) within the Municipal limits of respondent no.1.

3. In so far as prayers (A), (B) and (C) are concerned, we find these prayers too general deserving any order from this Court.

4. As regards prayer (D), suffice it to say that the

construction on plot bearing CTS no.4963 was made by the respondent no.9 after obtaining necessary permission from the concerned authority. It is true that initially the Ambernath Municipal Council rejected the development, but upon appeal being filed, the permission for development was granted and the development plan was modified after following due procedure. It appears that the construction on plot No.4963 was completed in the year 2000 and building completion certificate was issued by the Ambernath Municipal Council on 29th August 2000. As regards the alleged illegal construction on CTS No.6990, it appears that the said structures have been in existence for quite some time and no new construction has been raised by the respondent no.9. In so far as the construction on plot at Kohoj Khuntavali (Halayacha pada) is concerned, it appears the structures on the said plot were in existence prior to 1940 and the said plot was part of congested area. In the development plan initially sanctioned for Ambernath Municipal area, the area was not demarcated as congested area. Later on the proceedings for modification of the development plan were initiated and the development plan was modified by demarcating area as congested area.

5. It would be, thus, seen that there is no merit in the contention of the petitioner that the respondent no.9 has raised illegal and unauthorised structures on

CTS No.4963, 6990 at Kohoj Khuntavali.

6. As regards the other prayers made in the writ petition, we find the said prayers also are too general in respect of which no specific direction can be given.

7. Writ petition is dismissed accordingly.

**(R. M. LODHA, J.)**

**(ANOOP V. MOHTA, J.)**